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10/690,856	10/22/2003	Emeline C. Tsai	60136.0092USD1	6932
94140	7590	03/15/2011	EXAMINER	
Merchant & Gould - Cox PO Box 2903 Minneapolis, MN 55402			SHANG, ANNAN Q	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* EMELINE C. TSAI and MICHAEL C. BERTRAM

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Appeal 2009-011369  
Application 10/690,856  
Technology Center 2400

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Before ALLEN R. MacDONALD, CARLA M. KRIVAK and  
THOMAS S. HAHN, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## STATEMENT OF THE CASE

### *Introduction*

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1-4, 10-14, and 21-33. We have jurisdiction under 35 U.S.C. § 6(b).

### *Exemplary Claim(s)*

Exemplary independent claim 1 under appeal reads as follows:

1. A method for transitioning between digital video streams, the method comprising:
  - serving a first video stream with a packet identifier (PID) value;
  - determining shifts needed to be applied to timing information in a second video stream in order to generate recalculated timing information; wherein the shifts are determined based on a last received clock references;
  - replacing the timing information in the second video stream with the recalculated timing information;
  - transitioning in an immediate and smooth manner to the second video stream having the same PID value; and
  - serving the second video stream.

### *Appellant's Contentions*

Appellants contend that the Examiner erred in rejecting claims 1-4, 10-14, and 21-33 under 35 U.S.C. § 102(b) as being anticipated by Radha (US 6,806,909 B1), because:

Radha fails to teach or suggest at least "transitioning in an immediate and smooth manner to the second video stream having the same PID value" as the first video stream, as recited in independent claim 1.

(App. Br. 13).

*Issue on Appeal*

Did the Examiner err in rejecting claims 1-4, 10-14, and 21-33 as being anticipated because Radha fails to disclose the argued claim limitation?

ANALYSIS

We agree with the Appellants' above contention. The Examiner has erred in finding that Radha discloses a second video stream having the same PID value as the first video stream as required by the claims.

CONCLUSIONS

(1) Appellants have established that the Examiner erred in rejecting claims 1-4, 10-14, and 21-33 as being anticipated under 35 U.S.C. § 102(b).

(2) On this record, claims 1-4, 10-14, and 21-33 have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 1-4, 10-14, and 21-33 is reversed.

REVERSED

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Merchant & Gould - Cox  
P. O. Box 2903  
Minneapolis, MN 55402